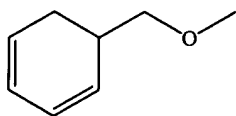


### REMARKS

A restriction requirement was made to pending claims 1-22. The claims were placed into two groups: Group I (claims 1-21) drawn to a method of immobilizing a molecule on a solid support; and Group II (claim 22) drawn to a compound. In response to this restriction requirement Applicant hereby elects the claims of Group I (claims 1-21) without traverse. Upon entry of this amendment claim 22 is canceled.

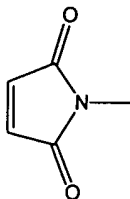
The Examiner has further restricted the claims into patentably distinct species. Regarding elected claims 1-21, the Examiner provides that Applicant is required to elect a species I for the molecule, as set forth in claim 4. The Examiner further provides that if applicant elects a biomolecule, then applicant must elect a species for said biomolecule, as set forth in claim 5. Additionally, the Examiner provides that applicant must elect a species II for the diene and linker as set forth in claim 9. Finally, the Examiner provides that applicant must elect a species III for the dienophile and linker. The Examiner provides that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species, which are written in dependent form or otherwise include all of the limitations of the allowed generic claim. For the reasons discussed below, Applicant respectfully traverses the further restriction of this invention into the above-mentioned species. As required by 35 U.S.C. § 121, however, Applicant elects the following species:

- (1) With respect to the molecule (claim 4), applicant elects a biomolecule;
- (2) With respect to type of biomolecule (claim 5), applicant elects an oligonucleotide;
- (3) With respect to the diene (claims 9 and 19), applicant elects the following compound, which does not include a linker:



; and

- (4) With respect to the dienophile (claims 10 and 20), applicants elects maleimide as set forth below, which also does not include a linker



Claims 1-5, 8, 11-18 and 21 are generic with respect to the molecule, biomolecule, diene and dienophile. Claims 9 and 19 are generic with respect to the molecule, biomolecule and diene and claims 10 and 20 are generic with respect to the molecule, biomolecule and dienophile.

Regarding the further restriction of the invention to a particular molecule, diene and dienophile, the MPEP provides that there are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The invention must be independent or distinct as claimed; and

(B) There must be a serious burden on the Examiner if restriction is required. (MPEP, p. 800-4, col. 1). To determine if these criteria are met the MPEP provides Guidelines for the Examiner. Regarding Markush type claims, the MPEP provides that "[i]f the members of the Markush group are sufficiently few in number or so closely related that a search can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits, even though they are directed to independent and distinct inventions." (MPEP, § 803.02, p. 800-4, col.2).

Applicant maintains that in the instant case, the members of the Markush groups at issue are sufficiently few in number or in the alternative, so closely related that a search can be made without serious burden on the examiner. With respect to the restriction to one type of molecule, claim 1 is drawn to a method for immobilizing a molecule on a support using cycloaddition chemistry, which includes a very limited set of reactions as defined on page 13 of the Specification. The Markush group of claim 4 includes only the following three members, a biomolecule, a macromolecule or a diagnostic detector molecule. Applicant maintains that it would not be overly burdensome to examine this group of molecules in the context of attachment to a support via cycloaddition chemistry. Applicant therefore respectfully requests that this species restriction be reconsidered by the Examiner.

In the event that the Examiner determines that it would pose a serious burden to examine all three of these groups, Applicant maintains that once a biomolecule is selected as the molecule

(claim 4), it would not pose a serious burden to examine the group of biomolecules set forth in claim 5, for the limited purpose of determining if any of the biomolecules in this group have been attached to a support using cycloaddition chemistry. For this reason, Applicant maintains that restriction of the instant invention to one type of molecule, particularly one type of biomolecule is inappropriate and reconsideration by the Examiner is respectfully requested.

Regarding restriction of the dienes (claims 9 and 19) and dienophiles (claims 10 and 20), the Markush group of claims 9 and 19 includes only two structurally unrelated dienes and the Markush group of claims 10 and 20 includes only maleimide and derivatized maleimides.

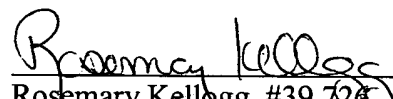
Applicant maintains that it would clearly not be overly burdensome to examine this very limited group of structurally related dienes and dienophiles. For these reasons, Applicant maintains that restriction of the instant invention to one particular diene and one particular dienophile is inappropriate and reconsideration by the Examiner is respectfully requested.

If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117 if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

Date: October 28, 2003

  
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